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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,501	12/23/1999	FRANCIS BIOLLEY	612.37981X00	7486

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ANTONELLI TERRY STOUT AND KRAUS
SUITE 1800
1300 NORTH SEVENTEENTH STREET
ARLINGTON, VA 22209

EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 01/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/471,501

Applicant(s)

BOILLEY, FRANCIS

Examiner

Alexandra K Pechhold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,7,9 and 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The indicated allowability of claims 9 and 11 is withdrawn in view of the newly discovered references in applicant's IDS filed 12/19/02. Rejections based on the newly cited references follow.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 9 and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by de Baan (GB 2330157A).**

Regarding claim 9, de Baan discloses a flexible riser part seen as second conduit (14), connected to a point below the surface, and a rigid riser part seen as first conduit (13) connected to the flexible riser part and to the floating support as shown in Fig. 1. Conduit (13) appears to have a length equal to half the water depth. The drawings illustrate how the conduit (14) flexes shown by the bending in shape of the line. De Baan discloses that the riser system is used to convey fluids between a seabed installation such as an oil well and a floating production vessel on the sea surface.

Regarding claim 11, de Baan discloses the limitations of the claimed invention as discussed in claim 9 above. Furthermore, de Baan discloses a catenary anchor system, seen as anchor (8) in Fig. 3a.

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Regarding claim 12, the buoyancy member (9) or buoyant bodies (4) seen in Figs. 1 and 3a of Remery provide additional tension in the tube (6).

Regarding claims 13-16, the applicant claims a process used to achieve the product of claim 1. The method of forming the device is not germane to the issue of patentability of the device itself. Therefore, the limitations in claims 13-16 have not been given patentable weight.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 9 and 11-16 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Remery (US 4,279,543).**

Regarding claim 9, Remery discloses a flexible riser part seen as flexible tube (6), connected to a point below the surface, and a rigid riser part seen as pipe (3) connected to the flexible riser part and to the floating support as shown in Fig. 1. Pipe (3) appears to have a length equal to half the water depth. Remery fails to disclose pipe (3) connected to a source of fluid to be injected and tube (6) connected to a point where the fluid is injected, instead disclosing that the device conveys a medium from a fixed position on the bottom below the water surface to an anchored buoy floating on the water (Col 1, lines 7-10). It would have been obvious to one having ordinary skill in the

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art at the time the invention was made to modify the direction of medium flow in Remery to be from the buoy at the water surface to the fixed position on the bottom, since if it were desired to direct a medium to the bottom of the sea, it would be flow in this direction, and furthermore pipes are known to operate in both directions.

Regarding claim 11, Remery discloses the limitations of the claimed invention as discussed in claim 9 above. Furthermore, Remery disclose a catenary anchor system, seen as weight (4) in fig. 1 next to universal joint (5). Remery fails to disclose the transfer of fluid between a floating support and a point below the water surface, instead disclosing that the device conveys a medium from a fixed position on the bottom below the water surface to an anchored buoy floating on the water (Col 1, lines 7-10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the direction of medium flow in Remery to be from the buoy at the water surface to the fixed position on the bottom, since if it were desired to direct a medium to the bottom of the sea, it would be flow in this direction, and furthermore pipes are known to operate in both directions.

Regarding claim 12, the buoyant body (8) of Remery provides additional tension in the tube (6).

Regarding claims 13-16, the applicant claims a process used to achieve the product of claim 1. The method of forming the device is not germane to the issue of patentability of the device itself. Therefore, the limitations in claims 13-16 have not been given patentable weight.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.


Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
1/8/03